

COOLEY GODWARD KRONISH LLP  
JOHN W. CRITTENDEN (101634) (jcrittenden@cooley.com)  
FRANK B. GOLDBERG (222263) (fgoldberg@cooley.com)  
KATHLEEN E. TREIBER (232353) (ktreiber@cooley.com)  
101 California Street  
5th Floor  
San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222

Attorneys for Plaintiff  
EBAY INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EBAY INC., a Delaware corporation,

Plaintiff,

v.

BOB MARTINO, an individual, d/b/a  
COINBAY.BIZ,

Defendant.

Case No. CV 07 6172 CRB

**STIPULATION FOR FINAL JUDGMENT  
AND PERMANENT INJUNCTION, AND  
FINAL JUDGMENT AND PERMANENT  
JUDGMENT THEREON**

The parties to this action, plaintiff eBay Inc. ("eBay") and defendant Bob Martino, an individual doing business as CoinBay.biz ("Defendant"), by their own signatures and/or the signatures of their counsel, do stipulate and agree as follows:

**RECITALS**

1. Defendant operated a website for purposes of trading or auctioning coins under the name CoinBay.biz and at the URL address <http://www.coinbay.biz>.

2. eBay advised Defendant that it objected to, among other things, his use of the "CoinBay" name, domain name, and mark, the depiction of the CoinBay logo, and the use of a "Buy Now" logo as violations of its rights in various federally-registered trademarks, including the "eBay" word mark and logo, and eBay's "Buy it Now" logo.

3. On December 5, 2007, eBay filed this action against Defendant, seeking preliminary and permanent injunctive relief, an accounting of all revenues and profits, costs and attorneys' fees, and an order that the Registrar of the COINBAY.BIZ domain name cancel the registration, alleging (1) federal trademark infringement, (2) federal trademark dilution, (3) false designation of origin, (4) common law trademark infringement, (5) common law unfair competition, (6) trademark infringement under Cal. Bus. & Prof. Code § 14335, (7) trademark dilution under Cal. Bus. & Prof. Code § 14330, and (8) unfair competition under Cal. Bus. & Prof. Code §§ 17200 *et seq.*

4. The parties have discussed their dispute and desire to resolve the Action amicably and without any further involvement from this Court.

5. Defendant acknowledges eBay's rights in its trademarks as referenced above, and has agreed to change the name of his website to "CoinDay" and to cease use of the "Buy Now" logo, and has also agreed to permanently cease and desist from using the names and marks, as well as the logo colors and designs and letter styles, to which eBay has objected.

6. In consideration for Defendant's actions, promises, and agreements as stated in this Stipulation, and provided that Defendant is in full compliance with the foregoing and the terms of this Stipulation, eBay:

(a) will not object to Defendant's use of the name "CoinDay," provided that it is not depicted in offset letters or alternating colors, and

(b) agrees to allow Defendant to continue to use the URL <http://www.coinbay.biz> for the sole purpose of redirecting users to his site at <http://www.coinday.com> until January 14, 2008, after which Defendant will cease all use of the COINBAY.BIZ domain name and associated URLs.

7. The parties concede that this Court has subject matter jurisdiction of the Action and that, by agreeing to a judgment in this matter, they voluntarily consent to this Court exercising personal jurisdiction over them.



1           4.     Entry of Judgment in accordance with this Stipulation shall constitute a final  
2 termination of all claims and causes of action asserted in the Action.

3  
4 Dated: December 20, 2007

COOLEY GODWARD LLP  
JOHN W. CRITTENDEN (101634)  
KATHLEEN E. TREIBER (232353)  
FRANK B. GOLDBERG (222263)

5  
6  
7 

8 John W. Crittenden (101634)

9 Attorneys for Plaintiff EBAY INC., a Delaware  
corporation

10  
11 Dated: December 15, 2007

12 

13 Bob Marino, an individual, d/b/a COINBAY.BIZ

14  
15 **FINAL JUDGMENT AND PERMANENT INJUNCTION**

16       The Court has reviewed and accepted the Stipulation for Judgment and Permanent  
17 Injunction ("Stipulation") as a proper disposition of this matter. Therefore,

18       IT IS ORDERED that the Clerk of this Court enter Judgment in this matter in favor of  
19 plaintiff eBay Inc. and against defendant Bob Martino, an individual doing business as  
20 COINBAY.BIZ, according to the provisions of Rule 58 of the Federal Rules of Civil Procedure,  
21 and in accordance with the terms of this Stipulation. Judgment shall be so entered forthwith.

22  
23 Dated: December 21, 2007

